

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **CAMERA REFERENCED CONTROL IN A MINIMALLY INVASIVE SURGICAL APPARATUS** the specification of which is attached hereto.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56. I claim foreign priority benefits under Title 35, U.S. Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.




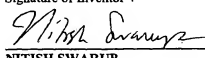
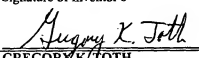
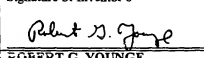
I hereby claim the benefit under Title 35, U.S. Code §119(e) of any U.S. Provisional Application(s) listed below:

| Application No. | Filing Date |
|-----------------|---------------|
| 60/128,160 | April 7, 1999 |

| | | | | |
|--------------------------|---|-----------------------------------|---------------------------------------|--------------------|
| Full Name of Inventor 1: | Last Name: NIEMEYER | First Name: GUNTER | Middle Name or Initial: D. | |
| Residence & Citizenship: | City: Mountain View | State/Foreign Country: California | Country of Citizenship: Germany | |
| Post Office Address: | Post Office Address: 111 N. Rengstorff Ave., #135 | City: Mountain View | State/Country: California | Postal Code: 94043 |
| Full Name of Inventor 2: | Last Name: GUTHART | First Name: GARY | Middle Name or Initial: S. | |
| Residence & Citizenship: | City: Foster City | State/Foreign Country: California | Country of Citizenship: United States | |
| Post Office Address: | Post Office Address: 732 Chebec lane | City: Foster City | State/Country: California | Postal Code: 94004 |
| Full Name of Inventor 3: | Last Name: NOWLIN | First Name: WILLIAM | Middle Name or Initial: C. | |
| Residence & Citizenship: | City: Los Altos | State/Foreign Country: California | Country of Citizenship: United States | |
| Post Office Address: | Post Office Address: 1751 Oak Avenue | City: Los Altos | State/Country: California | Postal Code: 94024 |
| Full Name of Inventor 4: | Last Name: SWARUP | First Name: NITISH | Middle Name or Initial: | |
| Residence & Citizenship: | City: Sunnyvale | State/Foreign Country: California | Country of Citizenship: United States | |
| Post Office Address: | Post Office Address: 1000 Escalon Avenue, L-3094 | City: Sunnyvale | State/Country: California | Postal Code: 94086 |
| Full Name of Inventor 5: | Last Name: TOTH | First Name: GREGORY | Middle Name or Initial: K. | |
| Residence & Citizenship: | City: Sunnyvale | State/Foreign Country: California | Country of Citizenship: United States | |
| Post Office Address: | Post Office Address: 753 Harvard Avenue | City: Sunnyvale | State/Country: California | Postal Code: 94087 |

| | | | | |
|--------------------------|---|--|--|---------------------------|
| Full Name of Inventor 6: | Last Name: YOUNGE | First Name: ROBERT | Middle Name or Initial: G. | |
| Residence & Citizenship: | City: P rt la Valley | State/Foreign Country: California | Country of Citizenship: United States | |
| Post Office Address: | Post Office Address: 550 Westridge Drive | City: Portola Valley | State/Country: California | Postal Code: 94028 |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|---|--|--|
| Signature of Inventor 1  DIETER D. NIEMEYER | Signature of Inventor 2  GARY S. GUTHART | Signature of Inventor 3  WILLIAM C. NOWLIN |
| Date 8/6/99 | Date 8/9/99 | Date Aug 6, 1999 |
| Signature of Inventor 4  NITISH SWARUP | Signature of Inventor 5  GREGORY K. TOTH | Signature of Inventor 6  ROBERT G. YOUNGE |
| Date 8/9/99 | Date 8/9/99 | Date 8/9/99 |

POWER OF ATTORNEY BY ASSIGNEE

Intuitive Surgical, Inc. is the Assignee of the invention entitled:

**CAMERA REFERENCED CONTROL IN
A MINIMALLY INVASIVE SURGICAL APPARATUS**

the specification of which is attached hereto.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Mark D. Barrish, Reg. No. 36,443
James M. Heslin, Reg. No. 29,541
Gary T. Aka, Reg. No. 29,038
Robert C. Colwell, Reg. No. 27,431
Paul C. Haughey, Reg. No. 31,836

William M. Smith, Reg. No. 30,223
James F. Hann, Reg. No. 29,719
Darin J. Gibby, Reg. No. 38,464
David N. Slone, Reg. No. 28,572
David R. Heckadon, Granted Limited
Recognition under 37 CFR §10.9(b)

Send Correspondence to:

Mark D. Barrish, Esq.
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

Direct Telephone Calls to:

Mark D. Barrish, Esq.
Reg. No. 36,443
(650) 326-2400

INTUITIVE SURGICAL, INC.

Date: 8/9/99

Signature: _____

David Shaw
Chief Patent Counsel

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: NIEMEYER ET AL.

Application No./Patent No.: Unassigned Filed/Issue Date: Herewith

Entitled: Camera Referenced Control in a Minimally Invasive Surgical Apparatus

INTUITIVE SURGICAL, INC., a Delaware Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 10213, Frame 885, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

05 JUNE 2002

Date


Signature

MARK D. BARRISH

Typed or printed name

ATTORNEY OF RECORD

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

mtBarrish

NOVEMBER 08, 1999

PTAS

TOWNSEND AND TOWNSEND AND CREW LLP
MARK D. BARRISH
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111-3834



101126816A

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/13/1999

REEL/FRAME: 010213/0865
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

NIEMEYER, GUNTER D.

DOC DATE: 08/06/1999

ASSIGNOR:

GUTHART, GARY S.

DOC DATE: 08/09/1999

ASSIGNOR:

NOWLIN, WILLIAM C.

DOC DATE: 08/06/1999

ASSIGNOR:

SWARUP, NITISH

DOC DATE: 08/09/1999

ASSIGNOR:

TOTH, GREGORY K.

DOC DATE: 08/09/1999

ASSIGNOR:

YOUNGE, ROBERT G.

DOC DATE: 08/09/1999

RECORDED
08-09-1999

ASSIGNEE:

INTUITIVE SURGICAL, INC.
1340 W. MIDDLEFIELD RD.
MOUNTAIN VIEW, CALIFORNIA 94043

SERIAL NUMBER: 09373678

PATENT NUMBER:

FILING DATE: 08/13/1999

ISSUE DATE:

SEDLEY PYNE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

25-1999



Attorney Docket No. 15325-001600

FORM PTO-1595
(Rev. 6-93)

101126816

Cover Sheet

U.S. Department of Commerce
Patent and Trademark Office

To the Honorable Asst. Commissioner for Patents. Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

GUNTER D. NIEMEYER
GARY S. GUTHART
WILLIAM C. NOWLIN
NITISH SWARUP
GREGORY K. TOTH
ROBERT G. YOUNGE

Additional name(s) of conveying parties attached?

☐ Yes☒ No.

2. Name and address of receiving party(ies)

Name: INTUITIVE SURGICAL, INC.

Internal Address:

Street Address: 1340 W. MIDDLEFIELD ROAD

10649 U.S. PTO
09/31/98

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other:

Execution Date: 8/6/99 and 8/9/99

City: Mountain View State: CA ZIP: 94043

Additional names and addresses attached? ☐ Yes ☒ No

4. Application Number(s) or Patent Numbers.

If this document is being filed together with a new application, the execution date of the application is: AUGUST 13, 1999

A. Patent Application No(s):

B. Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: MARK D. BARRISH
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(415) 576-0200

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): \$40.00

☐ Enclosed☒ Charge Fees to Deposit Account☒ Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.

8. Deposit account number: 20-1430

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct, and any attached copy is a true copy of the original document.

MARK D. BARRISH
Name of Person Signing
Atty Reg. No. 36,443

Signature

August 13, 1999
Date10. Change Correspondence Address to that of Part 5? ☒ Yes ☐ No

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover to:

Asst. Commissioner for Patents
Box: Assignments
Washington, D.C. 20231

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, GUNTER D. NIEMEYER, of 111 N. Rengstorff Ave., #135, Mountain View, CA 94043; GARY S. GUTHART, of 732 Chebec lane, Foster City, CA 94404; WILLIAM C. NOWLIN, of 1751 Oak Avenue, Los Altos, CA 94024; NITISH SWARUP, of 1000 Escalon Avenue, L-3094, Sunnyvale, CA 94086; GREGORY K. TOTH, of 753 Harvard Avenue, Sunnyvale, CA 94087; ROBERT G. YOUNGE, of 550 Westridge Drive, Portola Valley, CA 94028, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: CAMERA REFERENCED CONTROL IN A
MINIMALLY INVASIVE SURGICAL APPARATUS

Date(s) of execution of Declaration: 8/6/99 and 8/9/99 (fill-in)

Filing Date: HERewith

Application No.: UNASSIGNED; and

WHEREAS, INTUITIVE SURGICAL, INC., a corporation of the state of Delaware, located at 1340 W. Middlefield Road, Mountain View, CA, 94043, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8th Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 8/6/99

G. Niemeyer
GUNTER D. NIEMEYER

Dated: 8/9/99

Gary S. Guthart
GARY S. GUTHART

Dated: Aug 6, 1999

William C. Nowlin
WILLIAM C. NOWLIN

Dated:

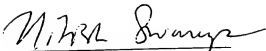
8/9/99

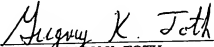
Dated:

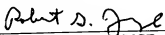
8/9/99

Dated:

8/9/99


NITISH SWARUP


GREGORY K. TOTH


ROBERT G. YOUNGE

PA 3012773 v1